IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Crl.Rev.Pet.No. 2669 of 2007()

CRA.170/2006 OF COURT OF SESSIONS, MAJERI DIVISION
CC.924/2002 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TIRUR

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REVN. PETITIONER: APPELLANT/ACCUSED

T.LAKSHMANAN, S/O. KRISHNAN,
THONDALIL HOUSE, KUMARANALLOOR P.O.,
PALAKKAD DISTRICT.

BY ADV. SRI.K.P.BALASUBRAMANYAN
SRI.NIRMAL. S

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE

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1. K.V.RAJAGOPALAN, S/O. NARAYANAN
NAMBIAR, KARATT VELLATT PADIHERETHIL HOUSE,
KARIPPOLE, VALANCHERY.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.A.No. 5754 of 2007

in

Crl.R.P.No. 2669 of 2005

- -

Dated this the 29th day of May, 2007

O R D E R

The petitioner is the accused in a prosecution under Section 138 of the N.I. Act. The verdict of guilty, conviction and sentence have now become final with the order passed by this Court in revision. The petitioner was directed to undergo imprisonment till rising of court and to pay the actual cheque amount as compensation. The petitioner was directed to appear before the learned Magistrate on 22.1.2006. The petitioner has not so far paid the amount nor has he appeared before the Magistrate. He now prays for extension of time.

2. I am not satisfied that any further extension deserves to be granted. It is for the petitioner to appear before the learned Magistrate to undergo the substantive sentence of imprisonment till rising of Court. If the compensation amount is not paid, needless to say, the petitioner shall have to undergo the default sentence also. If the compensation amount is paid, there can be no question of any

default sentence being executed against the petitioner. The position has been made clear in the decision in Girish v. Muthoot Capital Services (P) Ltd. (2007 (1) KLT 16).

3. This petition is hence dismissed, subject to the above observations.

4. Hand over the order.

(R. BASANT)
Judge

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